14
Revised

AMENDMENT TO H.R. 3121, AS REPORTED OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA AND MR. ARCURI OF NEW YORK

At the end of the bill, add the following new section:

SEC. 30. NATIONAL FLOOD INSURANCE ADVOCATE; REPORTS.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. NATIONAL FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency a National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (c), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

"(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 (42 U.S.C. 4025) and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

"(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

"(A) a background in customer service as well as insurance; and

"(B) experience in representing individual insureds.

"(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 5 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the Na-

tional Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(5) STAFF.—To the extent amounts are provided pursuant to subsection (c), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Advocate.

"(b) DUTIES.—The duties of the National Flood Insurance Advocate shall be to conduct studies with respect to, and submit, the following reports:

"(1) REPORT ON PROBLEMS OF INSUREDS UNDER NATIONAL FLOOD INSURANCE PROGRAM.—Not later than the expiration of the 12-month period beginning on the date of the enactment of the Flood Insurance Reform and Modernization Act of 2007, the National Flood Insurance Advocate shall submit a report to the Congress regarding the national flood insurance program, which shall—

"(A) identify areas in which insureds under such program have problems in dealings with the Federal Emergency Management Agency relating to such program, and shall contain a summary of at least 20 of the most serious problems encountered by such insureds, in-

cluding a description of the nature of such problems;

"(B) identify areas of the law relating to the flood insurance that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying such problems;

"(C) identify the 10 most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

"(D) identify the initiatives of the Agency to improve services for insureds under the national flood insurance program and actions taken by the Agency with respect to such program;

"(E) contain recommendations for such administrative and legislative action as may be appropriate to mitigate or resolve problems encountered by such insureds; and

"(F) include such other information as the National Flood Insurance Advocate considers appropriate.

"(2) REPORT ON ESTABLISHMENT OF AN OFFICE OF THE FLOOD INSURANCE ADVOCATE.—Not

later than the expiration of the 6-month period beginning on the date of the initial appointment of a National Flood Insurance Advocate under this section, the Advocate shall submit a report to the Congress regarding the feasibility and effectiveness of establishing an Office of the Flood Insurance Advocate, headed by the National Flood Insurance Advocate, to assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program. Such report shall examine and analyze, and include recommendations regarding—

"(A) an appropriate structure in which to establish such an Office, and appropriate levels of personnel for such Office;

"(B) other appropriate functions for such an Office, which may include—

"(i) identifying areas in which such insureds have problems in dealing with the Agency relating to such program;

"(ii) proposing changes in the administrative practices of the Agency to resolve or mitigate problems encountered by such insureds; and

"(iii) identifying potential legislative changes which may be appropriate to resolve or mitigate such problems;

"(C) appropriate procedures for formal response by the Director to recommendations submitted to the Director by the National Flood Insurance Advocate;

"(D) the feasibility and effectiveness of authorizing the National Flood Insurance Advocate to issue flood insurance assistance orders in cases in which the Advocate determines that a qualified insured is suffering or about to suffer a significant hardship as a result of the manner in which the flood insurance laws are being administered or meets such other requirements may be appropriate, including examining and analyzing—

"(i) appropriate limitations on the scope and effect of such orders;

"(ii) an appropriate standard for determining such a significant hardship;

"(iii) appropriate terms of flood insurance assistance orders; and

"(iv) appropriate procedures for modifying or rescinding such orders;

"(E) the feasibility and effectiveness of establishing offices of flood insurance advocates who report to the National Flood Insurance Advocate, including examining and analyzing—

"(i) the appropriate coverage and geographic allocation of such offices;

"(ii) appropriate procedures and criteria for referral of inquiries by insureds under such program to such offices;

"(iii) allowing such advocates to consult with appropriate supervisory personnel of the Agency regarding the daily operation of the offices; and

"(iv) providing authority for suchadvocates not disclose to the Director contact with, or information provided by, such an insured;

"(F) appropriate methods for developing career paths for flood insurance advocates referred to in subparagraph (E) who may choose to make a career in the Office of the Flood Insurance Advocate; and

"(G) such other issues regarding the establishment of an Office of the Flood Insurance

Advocate as the National Flood Insurance Advocate considers appropriate.

"(3) DIRECT SUBMISSION OF REPORTS.—Each report required under paragraph (2) shall be provided directly to the Congress by the National Flood Insurance Advocate without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this section.".